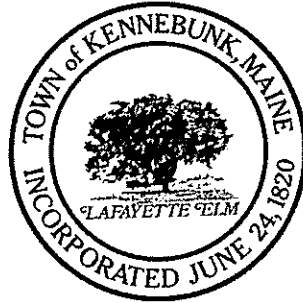


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

June 13, 2022

In Person Meeting, Town Hall, 1 Summer Street, Kennebunk

This meeting was held in person and televised on Cable TV Channel 5.
It is available for public viewing in full at TownHallStreams.com.

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair], David Smith [Secretary], Robert Metcalf [Member]; Janice Vance [Member], and Daniel Kiley [Alternate];

Absent: Edward Trainer [Alternate];

Also Attending: Brittany Howard [Town Planner], Juan Sebastian Libonatti Lema [Northshore22 LP], Jim Logan [Longview Partners], and Wayne Berry [property owner]

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on June 13, 2022. There were five voting members present: C. MacClinchy, R. Smith, D. Smith, R. Metcalf, and J. Vance.

2. Agenda Items

a. Preliminary – Special Exception – Heath Road – Map 76 Lot 22

B. Howard introduced this application to fill 4,039 sq. ft. of Priority II wetlands in order to build two single-family homes. The property, Howard said, is zoned "Suburban Residential" and "Shoreland Overlay". The project had originally been approved in 2018, but did not move forward. The special exception granted by the Town at that time, Howard said, had since expired.

A more recent plan from the property owner, Northshore22 LP, had been sent to the Fire Chief, Town Engineer, and Conservation Commission for review. Permits, Howard reported, had been already obtained from the Maine Department of Environmental Protection [DEP] and Army Corps of Engineers.

Juan Lema, the owner of Northshore22 LP, then addressed the Board, explaining that his DEP is valid until early August, by which time some work should have started pending approval from the Board. He also reported that a specialist engineer is reviewing the plan to make driveway and culvert adjustments. The owner intends to build two small cabins, each in the range of 900+ sq. feet.

J. Vance posed questions about the proximity of the proposed internal road to the pond on the property, and J. Lema responded that the driveway would be approximately 10 feet from the pond. Vance also asked whether the location of the two houses would require much tree clearing and whether the building envelope into the woods could be shortened. J. Lema responded he was not planning on removing any more trees than necessary to build the structures. The two homes, he added, were being located as close to the main road as possible to reduce the length and costs of the internal driveway.

R. Smith inquired whether this plan had substantially changed from the one previously approved four years ago, and J. Lema responded in the negative. "Nothing has changed," the owner avowed.

R. Smith and R. Metcalf inquired about the pool on the property. Metcalf urged the applicant to consult Paul Gadbois, the project's design professional, to inquire if the pool was registered with the state. The wetland delineation, R. Metcalf said, would be valid for five years. R. Metcalf additionally noted that the prior approval of this project had called for markers showing the 100-ft setback from the pool. Metcalf asked if those markers were in place, and J. Lema believed they were, but was not certain. This would be verified prior to the next meeting. Metcalf also asked the applicant to submit a revised and final gravel and roadway or driveway plan along with the comments of the Town Engineer as "supplemental information" if he decided to make any changes from the presented plan.

D. Smith posed questions about the septic system shown on the second lot. However, applicant responded that the septic location might actually change. Code Enforcement Officer Frank Kunkel, J. Lema reported, had opined that the two small houses could share a single well and single septic system. In that case, D. Smith replied, a plan indicating the final locations of the single septic field and well should be submitted as well as a shared septic maintenance agreement. D. Smith additionally urged the applicant to consider putting up some "low retaining wall" or "wooden guard rail" along the pond to separate it from the driveway.

D. Riley posed questions about culvert locations and the property's drainage flows, and J. Lema explained the property's topography. D. Riley also expressed concern about the eventual septic system; however, B. Howard said the Board's review should be limited to the wetland fill.

C. MacClinchy asked Board members if they wished to conduct a new site walk. However, members informally agreed that another site walk would not be necessary as several members remembered their prior visit. The Board instead enumerated the sundry follow-up items to be provided by the applicant: (1) confirmation of the specific expiration date and terms of the existing DEP permit; (2) confirmation that the vernal pool has been

recorded by the State; (3) confirmation the vernal pool setbacks are marked; (4) confirmation from the Fire Department that the proposed driveway would be satisfactory; and (5) submission of a roadway plan with gravel detail and the review comments of Town Engineer Chris Osterrieder (but only if the applicant changes the current roadway plan).

The Board then agreed to hold a public hearing on this application with the above information on July 25, 2022.

b. Preliminary – Special Exception – Port Road – Map 79 Lot 40

B. Howard then introduced the application of property owner Wayne Berry to fill 4,299 sq. ft. of Priority III wetlands to access uplands for a single family dwelling. The applicant proper, Longview Partners, was represented by its principal, Jim Logan.

The property, B. Howard noted, was zoned “Suburban Residential”, “Rural Conservation District”, and “Shoreland Overlay”. The applicant specifically proposes putting in a “rock sandwich” crossing, Howard said, and details about it are contained in the plan. The plan, Howard added, had also been sent to the Fire Chief, Town Engineer, and Conservation Commission for comment, but any permits needed from the DEP, Army Corps, or Public Services had yet to be obtained.

J. Logan then addressed the Board, explaining that this was a request for a single driveway for a single dwelling. Logan showed an aerial diagram of the property which indicated the direction of drainage flows. He also described the positive drainage impact of the proposed rock sandwich and proposed location of one 12-inch culvert at the head of the driveway.

J. Logan explained at some length why the proposed driveway location would have “the least possible adverse effect” on the wetland. “It is the shortest, driest location”, he said, using an aerial photograph to make the point.

C. MacClinchy and D. Smith questioned whether the property could be subdivided one day. In response, property owner Wayne Berry explained that he intends to gift the property to his son and keep it in the family.

D. Riley questioned where the driveway to the house would be located. However, W. Berry and J. Logan responded that the house and garage needed to be designed first before those specifics were determined.

D. Smith then posed questions about drainage flows, the “rock sandwich”, and the culvert’s location, and J. Logan provided additional commentary. R. Metcalf questioned the merit of a 12-inch versus 36-inch culvert, and J. Logan explained why a 12-inch version was suitable. Metcalf also recommended that the grading of the turnaround be approved by the Fire Chief and Town Engineer as a condition of approval.

R. Smith posed questions about one abutting property, and W. Berry explained that Map 79 Lot 41 was a property which contained one dwelling and was accessed by Abby Lane.

J. Vance asked for a revision of the diagram "because the scale was so large", but J. Logan countered that this petition was for approval to fill wetlands, consequently the scale was "helpful as is". The diagrams, Logan explained, were aimed to "show that there is no alternative to the fill as proposed." R. Metcalf next asked for a copy of the owner's property survey for the Town's files.

Board members then informally agreed to schedule a site walk of the property on June 16, 2022 at 6:00pm. Messrs. Logan and Berry concurred.

3. Approval of Meeting Minutes

C. MacClinchy then led the Board in a review of the minutes of its May 23, 2022 meeting.

Motion: **Move that the Planning Board of the Town of Kennebunk approve the minutes of its May 23, 2022 meeting as submitted.**

Moved: D. Smith

Second: R. Metcalf

Vote: **Show-of-hands vote, 4 in favor [C. MacClinchy, D. Smith, R. Metcalf, J. Vance], none opposed, 1 abstention [R. Smith had not attended the May 23rd meeting]; the motion passed.**

4. Other Business

B. Howard submitted Findings of Fact regarding the Millstone Farm Subdivision for Board signatures. C. MacClinchy reiterated the Board's policy of reverting to Zoom or teleconference meetings whenever the CDC's COVID-19 infection rating for York County was "yellow" [moderately high] or "red" [high].

5. Adjournment:

There being no further business, the Chair adjourned the meeting at 8:24pm.

Motion: **Move that the Planning Board of the Town of Kennebunk adjourn this meeting.**

Moved: D. Smith


Second: R. Metcalf

Vote: **Show-of-hands vote, 5 votes in favor, none opposed; the motion carried.**

Respectfully submitted by
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting of June 27, 2022

Signed by:

 7/11/22

PLANNING BOARD